

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24314 of 2004

Between:

The Fishermen Cooperative Society Limited, Peddavaram, Peddavaram Village,
Tiruvuru Mandal,
Krishna District. rep.by its Tene Krishnayya.

..... PETITIONER

AND

- 1 The Collector (Panchayats) Krishna, Machilipatnam, Krishna District.
- 2 The Divisional Panchayat officer, Nuzvid, Krishna District.
- 3 Peddavaram Gram Panchayat, Peddavaram Village, Tiruvuru Mandal,

Krishna District.

- 4 Gogala Mangaiah, S/o.Seshaiah,
Yerramadu village, Tiruvuru Mandal, Krishna District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the connected records from the respondents

1 to 3 and issue an appropriate writ, order or direction preferably a writ in the nature of Mandamus declaring the order of the Collector (Panchayats) Krishna, in L.Dis.No.2439/04, Panchayats-5, dated 15.12.2004, confirming the order of the Divisional Panchayat officer, Nuzvid, in L.Dis.No.827/2004, B dated 24-8-2004 fixing the lease amount as Rs.97,319/- for 1) Kotha Cheruvu 2) Ramanna Tank, 3) Gandhi Tank for three years and the lease granted by the third respondent in favour of the fourth respondent as illegal.

Counsel for the Petitioner: MR.K.RANGA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: ----

The Court, at the admission stage, made the following:

ORDER:

The case of the petitioner-Society is that Peddavaram Gram Panchayat has been leasing out minor irrigation tanks viz., (1) Kotha (Ginnala) Tank, (2) Ramanna Tank and (3) Gandhi Tank every year to it from 1988 onwards. It is stated that before expiry of present lease period of the year 2003-2004, the petitioner-Society submitted an application along with its resolution dated 27.06.2004 requesting the respondents 2 and 3 to lease out the above said three tanks for three years from 1.7.2004 to 30.6.2007 after fixing the lease amount. The grievance of the petitioner is that the 2nd respondent vide his order in L.Dis.No.827/2004, dated 24.08.2004 fixed the upset lease amount abnormally i.e., for Kotha (Ginnala) Cheruvu as Rs.48,319/-, for Ramanna Cheruvu as Rs.27,500/- and for Gandhi Cheruvu as Rs.21,500/-, totaling to Rs.97,319/-. As against the said orders of the 2nd respondent, the petitioner-Society filed revision petition before the 1st respondent-Collector and the 1st respondent-Collector while confirming the order passed by the 2nd respondent dismissed the application of the petitioner vide order L.Dis.No.2439/2004, Panchayats 5, dated 15.12.2004. It is further stated that while the said revision was pending before the 1st respondent, the 3rd respondent leased out the said tanks to the 4th respondent by open auction for a period of three years arbitrarily. Hence, the present Writ Petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj and Rural Development.

The grievance of the petitioner-Society is that the upset lease amount fixed for fishing tanks for three years is abnormal. Admittedly, against the orders passed by the 2nd respondent, the petitioner has already approached the 1st respondent-

District Collector and the 1st respondent-District Collector, after taking all the aspects into consideration, has properly appraised and upheld the lease amount fixed by the 2nd respondent and since the lease was already granted to respondent No.4, and at this stage this Court cannot interfere with the matter. The writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the admission stage. No costs.

(N.V. RAMANA, J)

Date: 28.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Collector (Panchayats) Krishna, Machilipatnam, Krishna District.
- 2 The Divisional Panchayat officer, Nuzvid, Krishna District.
- 3 Peddavaram Gram Panchayat, Peddavaram Village, Tiruvuru Mandal,

Krishna District.

4 Two CCs to GP for Panchayat Raj and Rural Development, High

Court of AP, Hyderabad (OUT)

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